

MINUTES OF THE VIRTUAL CONFERENCING MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
December 6, 2021

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Bridget Anderson, at 10:36 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Room B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 11.23.2021 and revised agenda posted 12.02.2021

Members Present on call (11):

The following members answered roll call:

Bridget Anderson, Chair (in Room)
Shannon Bingham, Member
Jacqueline Hornig, Secretary
Ruth Lucas, Member
Becky Pettigrew, Member
Brandy Phillips, Member (in Room)
Leslie Reed, Member
Pamela Rowland, Vice-Chair
Harold "Buddy" Sims, Member
Vicki Criswell, Member
Marie Nordboe, Member

Members Absent (1):

Matt Bavougian, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit (on call)
Carrie Oldehoeft, Health Licensing Coordinator (in the room)
Natalee Hart, Assistant Attorney General (in the room)
Kate Manuel, DHHS Attorney (in the room)
Anna Harrison, DHHS Compliance Monitor (in the room)
Trevor Klaasen, DHHS Investigator (in the room)
Jane Neims, Public (on call)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Pettigrew moved, seconded Rowland, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Hornig, Lucas, Pettigrew, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: Bavougian (1). Vacant positions (1). Motion carried.

3. APPROVAL OF MINUTES

MOTION: Hornig moved, seconded by Rowland, to approve the minutes of October 4, 2021, with a change to 4b to reflect that Jurisprudent Examination(s) updates are in process. A voice vote was taken. Voting aye: Anderson, Bingham, Hornig, Lucas, Pettigrew, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: Bavougian (1). Vacant positions (1). Motion carried.

4. Updates/Follow-up

- a. 2022 Legislation-Rowland reported that she spoke to Tyler and they are proceeding in January with the Nail Technology regulations.
- b. Jurisprudent Examination-Chiles brought up need for possibly updates regarding areas from time they examination was created. Board members were asked to send in five (5) questions, that they would

feel would be needed on the exam. The board will meeting January 24 in a special session to discuss them.

- c. Lash Extension: Chiles brought up the types of questions the area is receding about Lash Extensions advising board regarding the regulations and licensing. Anderson, suggested that the Board could issue some type of board position for the website. Lash extensions is included in Cosmetology, but not part of Esthetics. Review language to match cosmetology as possible review for esthetics.

11:01 a.m. Harrison exited room

11:05 a.m. Harrison entered room

- d. Body Art Regulations—no updates it is with the Governors' Research Office and email will be sent when a notice is received.
- e. NIC conference—Nordboe updated everyone on the information received at the conference. Discussion on wigs used by different ethnic groups. Testing due to Covid and options states are using. Language options have decreased. Discussion on Nebraska testing locations, Chiles will reach out to NIC to see about options for testing location expansion. Further discussion on NIC conference, deferred to January meeting.
Public question regarding testing via remote option. Students have presented to testing areas to find them closed. Students are unable to take exams due to locations. Requested more information to be sent to schools regarding board meeting agendas.
- f. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed. Statistics will continue to be attached to the agenda's.

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Pettigrew moved, seconded by Criswell, to enter into closed session at 11:52 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Anderson repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Hornig, Lucas, Pettigrew, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: Bavougian (1). Vacant positions (1). Motion carried.

11:53 a.m. Manual exited the room

11:57 a.m. Simms left call

11:57 a.m. Bingham left call

12:00 p.m. Simms entered call

12:00 p.m. Bingham entered call

12:10 p.m. Klaasen exited room

12:34 p.m. Harrison exited room

12:38 p.m. Harrison entered room

12:39 p.m. Oldehoeft exited room

12:43 p.m. Oldehoeft entered room

12:43 p.m. Phillips exited room

12:46 p.m. Phillips entered room

12:47 p.m. Manual entered room

12:47 p.m. Hart exited room

12:48 p.m. Hornig exited call

12:55 p.m. Hart entered room

12:55 p.m. Horning entered call

12:56 p.m. Harrison exited room

6. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

12:57 p.m. Verbal agreement from all board members to enter into open session.

Casey Mattison: Esthetician

MOTION: Pettigrew moved, seconded by Criswell, to defer and request additional information A voice vote was taken. Voting aye: Anderson, Bingham, Hornig, Lucas, Pettigrew, Phillips, Reed, Rowland, Sims, Criswell,

Nordboe (11). Voting nay: None (0). Absent: Bavougian (1). Vacant positions (1). Motion carried.

Rima Sharro Hadgi: Esthetician

MOTION: Pettigrew moved, seconded by Nordboe, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Hornig, Lucas, Pettigrew, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: Bavougian (1). Vacant positions (1). Motion carried.

Malori Basilico: Esthetician

MOTION: Pettigrew moved, seconded by Anderson, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Hornig, Lucas, Pettigrew, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: Bavougian (1). Vacant positions (1). Motion carried.

Walter Taylor: Cosmetologist: Reinstatement

MOTION: Nordboe moved, seconded by Pettigrew, to deny the reinstatement application with an early release from probation. Basis: Failure to comply with probation and Failure to submit evidence to support reinstatement with early release from probation and. Voting aye: Anderson, Bingham, Lucas, Pettigrew, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Abstain: Hornig (1) Absent: Bavougian (1). Vacant positions (1). Motion carried.

7. Annual Business

- a. Schedule 2022 Meetings: The following dates were agreed to:
1.3.22, 2.7.22, 3.7.22, 4.4.22, 5.2.22, 6.6.22, 7.11.22, 8.1.22, 9.12.22, 10.3.22, 11.7.22, 12.5.22
- b. Approval of Method of Noticing Meeting Agendas
Current method is post in the licensure unit lobby, on our website and by email to those who want an email. Chiles will send a reminder to schools about agenda's on website.

All board members present verbally agreed with the method of noticing.

- c. Board Member Per Diems and Compensation Recommendations
(Neb. Rev. Stat. §38-171)

38-171. Board; advisory committee or body; compensation; limitation; expenses.

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

All board members verbally agreed on the current per diem amounts, see below for items 1-5. Additionally, if a board member testifies or represents the board, they can get an additional per diem.

1. \$20 for meeting prep
2. \$50 for each day in attendance at regular board meeting
3. \$50 for travel days when overnight stay with meeting attendance
4. \$50 for each day of attendance at National Meeting, including travel days when overnight stay
5. \$50 for attending board related meeting, approved by the Board as the Board representative for the meeting

MOTION: Nordboe moved, seconded by Phillips, to approve the current method of notice. Voting aye: Anderson, Bingham, Hornig, Lucas, Pettigrew, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: Bavougian (1). Vacant positions (1). Motion carried.

- d. Elections and Appointments

- Election of Officers - Current Officers: Chair: Anderson, Vice-Chair: Rowland and Secretary: Hornig

Nordboe made the following nominations:

- Chair: Anderson,
- Vice-Chair Rowland and
- Secretary: Hornig.

All board members present verbally agreed with the nominations.

- Appointment of Investigative Consultants:
 - Criswell – Esthetics
 - Sims – Nail Technology
 - Bingham and Nordboe – Cosmetology
 - Criswell – Electrology
 - Bavougian – Body Art

Board member Pettigrew resigned position

8. ADJOURNMENT

Anderson announced the next meeting is scheduled on December 6, 2021 and declared the meeting adjourned at 1:35 p.m.

Submitted,

Jackie Hornig, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by the Licensure Unit.